IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.36032 of 2008
PANKAJ KUMAR
Versus
STATE OF BIHAR
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2. 11.11.2008 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in a Police case under Sections 25(1)(b), 26 of the Arms Act.

It is submitted that the name of the petitioner has transpired on confession of a co-accused only. He was not apprehended at the spot. The co-accused named one another has been enlarged on anticipatory bail in Cr. Misc. No. 4123 of 2007. The application is, therefore, pressed on the ground of consistency.

To this Court, the confession of a co-accused simpliciter may be a good ground for regular bail application. Conversely when a co-accused apprehended at the spot in course of the same transaction when another flees away, names him, who fled away, the situation becomes entirely different. The good ground for regular bail becomes a bad ground for anticipatory bail. Moreover, the petitioner, a named accused, is stated to have evading the law for approximately three years. These are all aspects not considered when co-accused was granted anticipatory bail.

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The application is rejected.

The submission that there may have been no recovery from him is an aspect to be appropriately considered in an application for regular bail.

AKS/ **(Navin Sinha, J.)**